

Cumulative Table of Cases

Connecticut Appellate Reports

Volume 184

(Replaces Prior Cumulative Table)

Banks v. Commissioner of Correction	101
<i>Habeas corpus; kidnapping in first degree; robbery in first degree; criminal possession of pistol or revolver; claim that habeas court improperly determined that lack of jury instruction pursuant to State v. Salamon (287 Conn. 509) concerning intent and conduct necessary to find petitioner guilty of kidnapping was harmless beyond reasonable doubt; whether significance of Salamon factors for making determination of whether petitioner's movement or confinement of individuals was necessary or incidental to commission of robberies that were in favor of petitioner outweighed significance of factors that supported claim of harmless error; whether respondent Commissioner of Correction met considerable burden to persuade court beyond reasonable doubt that absence of Salamon jury instruction did not contribute to jury verdict regarding kidnapping counts; whether question of petitioner's intent in movement and confinement of individuals was uncontested or supported by overwhelming evidence.</i>	
Bell v. Commissioner of Correction.	150
<i>Habeas corpus; kidnapping in first degree; robbery in first degree; claim that petitioner was entitled to jury instruction on kidnapping charges pursuant to State v. Salamon (287 Conn. 509); whether lack of Salamon instruction was harmless error; whether properly instructed jury would not have concluded necessarily that robberies were completed prior to movement and confinement of victims; whether properly instructed jury could have determined that movement and confinement occurred during continuous sequence of events that was related to taking of money from safes and was not separate criminal offense; whether question of petitioner's intent in moving and confining victims during robberies was contested; whether movement and confinement of victims constituted continuous, uninterrupted course of conduct that was related to robberies or independent criminal acts that established petitioner's intent to prevent victims' liberation for longer period of time and to greater degree than was necessary for commission of robberies.</i>	
Blossom's Escort, LLC v. Administrator, Unemployment Compensation Act	448
<i>Unemployment compensation benefits; whether trial court improperly dismissed appeal from decision of Employment Security Board of Review affirming decision of appeals referee that affirmed decision of defendant Administrator of Unemployment Compensation Act that plaintiff was liable for certain unpaid unemployment compensation contributions under Unemployment Compensation Act (§ 31-222 et seq.); whether trial court properly determined that amendment (Public Acts 2008, No. 08-150) to statute ([Rev. to 2007] § 31-222 (a) (5) (O)) that sets forth types of services that are exempt from definition of employment under § 31-222 did not apply to present case where audit period preceded effective date of amendment to statute; claim that because administrator informed plaintiff of liability for unemployment compensation benefits following effective date of amendment in P.A. 08-150, date of determination letter triggered application of amendment; whether audit period referenced in determination letter was time period during which plaintiff's obligation to make unemployment compensation contributions arose.</i>	
Carson v. Allianz Life Ins. Co. of North America	318
<i>Conversion; accidental failure of suit statute (§ 52-592); motion for summary judgment; statute of limitations; claim that trial court incorrectly concluded that there was no genuine issue of material fact as to whether plaintiff's action was barred by applicable statute of limitations; claim that fraudulent concealment on part of defendant's agent tolled statute of limitations; whether there was any evidence of defendant's alleged concealment or knowledge of any purported fraud by agent; whether agent's knowledge could be imputed to defendant for purposes of tolling statute of limitations; claim that continuing course of conduct doctrine</i>	

<i>tolled statute of limitations; whether defendant had fiduciary duty to plaintiff such that continuing course of conduct doctrine would apply.</i>	
Chaplen v. Doyle (See Doyle v. Chaplen)	278
Crismale v. Walston	2
<i>Defamation; slander; malicious prosecution; claim that there were genuine issues of material fact as to whether qualified privilege, which protected named defendant's statements to enforcement officers that plaintiff was trespassing on clam beds and stealing clams, could be defeated because statements were made with malice; claim that trial court improperly rendered summary judgment on slander claim, on basis of named defendant's statement to newspaper reporter, after concluding that statement was opinion on matter of public concern that was protected by fair comment privilege; whether statement to reporter was statement of fact rather than statement of opinion; whether uncontested facts established truth of statement that was absolute bar to slander claim; whether there was genuine issue of material fact as to whether named defendant provided misleading information to Department of Energy and Environmental Protection that induced enforcement officers to arrest plaintiff.</i>	
Doyle v. Chaplen	278
<i>Paternity; child custody and support; claim that trial court improperly found that mother signed acknowledgment of paternity on basis of material mistake of fact; claim that trial court improperly concluded that opening judgment was in best interests of minor child after making clearly erroneous finding that there was no parent-like relationship between acknowledged father and minor child; claim that trial court misapplied law regarding laches and equitable estoppel; whether trial court's finding that acknowledgment of paternity was signed on basis of material mistake of fact was clearly erroneous; whether trial court's finding that acknowledged father did not have parent-like relationship with minor child was clearly erroneous; whether trial court properly determined that mother was not equitably estopped from opening judgment in support action; whether trial court properly determined that elements of equitable estoppel had not been established.</i>	
Drabik v. Thomas	238
<i>Petition for bill of discovery seeking to depose defendant employees of certain Indian tribe and officers of tribe's historic preservation office; whether trial court improperly granted defendants' motion to dismiss on ground of tribal sovereign immunity; whether trial court correctly determined that certain defendants were entitled to tribal sovereign immunity; whether certain defendants were named in individual capacities or acted beyond scope of authority as employees of tribe and officers of tribe's historic preservation office.</i>	
Farmer-Lanctot v. Shand	249
<i>Negligence; whether trial court improperly denied request for jury charge on sudden emergency doctrine, standard of care for pedestrian in roadway, and defendant's duty to yield to pedestrians when making right-hand turn; whether trial court properly declined to instruct jury in accordance with model instructions regarding crossing at crosswalk; whether, under general verdict rule, this court, which resolved plaintiff's sole challenge to court's jury instructions as to negligence and concluded that there was no error, was required to presume that jury found that defendant was not negligent; whether general verdict rule precluded review of plaintiff's remaining claims relating to instructions on contributory negligence.</i>	
Glastonbury v. Sakon	385
<i>Foreclosure; action to foreclose municipal tax liens; attorney's fees authorized by statute (§ 12-193); claim that total award of attorney's fees was unreasonable when compared to amount of tax liens at issue and to attorney's fees awarded in similar tax lien foreclosure cases; whether trial court abused discretion in determining amount of attorney's fees awarded.</i>	
Goodwin Estate Assn., Inc. v. Starke	92
<i>Foreclosure; whether trial court improperly denied motions to dismiss and to open judgment; reviewability of claim that trial court, in denying motion to dismiss, improperly considered equities and length of time that plaintiff had been deprived of fees; claim that trial court committed plain error in denying motion to dismiss because defendant had not received notice from plaintiff of adopted standard foreclosure policy.</i>	
Government Employees Ins. Co. v. Barros	395
<i>Equitable subrogation; uninsured motorist benefits; claim that equitable subrogation action was subject to same statute of limitations period as underlying tort claims;</i>	

	<i>whether claim sounding in equity is subject to statute of limitations; reviewability of claim that equitable subrogation action was precluded under doctrine of laches.</i>	
Green v. Commissioner of Correction		76
	<i>Habeas corpus; claim that habeas court improperly dismissed habeas petition pursuant to applicable rule of practice (§ 23-24) without holding hearing; whether habeas court properly dismissed habeas petition sua sponte for lack of jurisdiction; claim that petitioner was being deprived of risk reduction credits; whether petitioner had constitutionally protected liberty interest in risk reduction credits; whether applicable statute (§ 18-98e) conferred broad discretion on respondent Commissioner of Correction to award such credits; claim that commissioner altered discretionary nature of risk credit program by entering into binding contract with petitioner.</i>	
Holliday v. Commissioner of Correction		228
	<i>Habeas corpus; whether habeas court improperly dismissed petition for writ of habeas corpus; whether habeas court lacked subject matter jurisdiction over claim that 2013 revision to parole eligibility statute (§ 54-125a [b]) violated petitioner's rights to due process and equal protection, and constitutional prohibition against ex post facto laws; whether petitioner demonstrated liberty interest that was implicated by loss of risk reduction credits toward parole eligibility; whether habeas court improperly dismissed habeas petition without notice or hearing pursuant to rule of practice (§ 23-29 [1]) that authorized court to dismiss habeas petition on own motion.</i>	
In re Joheli V.		259
	<i>Termination of parental rights; claim that trial court erred in determining that respondent father had failed to achieve such degree of personal rehabilitation as would encourage belief that within reasonable time respondent could assume responsible position in minor child's life based solely upon respondent's current incarceration for allegedly sexually assaulting minor child; whether trial court based determination that respondent failed to rehabilitate solely on ground that respondent was incarcerated; whether trial court's determination that respondent's efforts to rehabilitate were scant even before arrest was supported by record.</i>	
Landmark Development Group, LLC v. Water & Sewer Commission.		303
	<i>Administrative appeal; appeal from decision by water and sewer commission granting in part application for sewer treatment capacity determination; claim that defendant commission improperly allocated 14,434 gallons per day of sewer treatment capacity to plaintiffs' proposed development when plaintiffs' application for determination of sewer capacity requested 118,000 gallons per day; whether trial court abused discretion by granting motion to supplement record and to conduct discovery regarding sewage capacity effectively allocated to another similarly-situated development; claim that trial court abused discretion by admitting supplemental evidence; whether evidence concerning other development was relevant; whether plaintiffs had prior opportunity to present evidence concerning other development to commission; whether law of case doctrine required trial court to apply certain factors with regard to sewage capacity because trial court in prior remand order required commission to apply those factors; whether evidence regarding other development constituted new or overriding circumstances for purposes of law of case doctrine; whether trial court acted unreasonably, illegally, or in abuse of discretion when it sustained plaintiffs' appeal and remanded matter to commission.</i>	
Palosz v. Greenwich.		201
	<i>Wrongful death; motion to strike; claim that board of education was entitled to sovereign immunity from wrongful death action arising out of suicide of student following severe and continual bullying while student was enrolled in school system; whether board was acting as agent of state when employees allegedly failed to comply with terms of policy that board had adopted to address bullying in school system in accordance with statute (§ [Rev. to 2011] 10-222d [as amended by Public Acts 2011, No. 11-232, § 1]); whether board was entitled to sovereign immunity in light of qualified immunity specifically provided to local board of education pursuant to statute (§ 10-222i) for actions taken by the board with respect to policies adopted pursuant to § 10-222d.</i>	
Real Estate Mortgage Network, Inc. v. Squillante.		356
	<i>Foreclosure; subject matter jurisdiction; claim that trial court improperly denied named defendant's second motion to reopen judgment of strict foreclosure; whether trial court correctly concluded that motion to reopen was moot; whether trial court should have dismissed rather than have denied motion to reopen.</i>	

Sovereign Bank v. Harrison	436
<i>Foreclosure; whether trial court erred in interpreting defendant's special defense as counterclaim; whether trial court lacked authority to grant motion to restore case to docket; whether third special defense could reasonably be construed as stating independent cause of action.</i>	
State v. Covington	332
<i>Carrying pistol without permit; criminal possession of firearm; whether evidence was insufficient to support conviction of carrying pistol without permit; whether jury's inability to reach unanimous verdict on charges of murder and assault in first degree suggested that jury did not believe that defendant was shooter; whether jury could have found that defendant possessed pistol, as defined by statute (§ 29-27), at time and place of shooting; unpreserved claim that conviction of criminal possession of firearm should be vacated; claim that defendant's rights to trial by jury and to fair trial were violated because trial court's finding of guilt as to charge of criminal possession of firearm contravened jury's inability to reach unanimous verdict on murder and assault charges; unpreserved claim that defendant was entitled to new sentencing hearing because trial court impermissibly relied on facts that contravened jury's determination as to murder and assault charges.</i>	
State v. Ezequiel R.	55
<i>Aggravated sexual assault of minor; sexual assault in first degree; risk of injury to child; sexual assault in fourth degree; whether trial court properly determined that victim's statements made during forensic interview fell within medical diagnosis or treatment exception to hearsay rule; whether trial court abused discretion in admitting video recording of victim's forensic interview into evidence; whether statements during forensic interview of child that are offered solely under medical diagnosis and treatment exception are admissible if such statements are reasonably pertinent to obtaining medical diagnosis or treatment, even if primary purpose of declarant's statements was not to obtain medical diagnosis and treatment; whether there was sufficient evidence in record to demonstrate that victim's statements were reasonably pertinent to obtaining medical diagnosis and treatment; reviewability of unpreserved claim that trial court improperly allowed clinical child interview specialist to render expert opinion that appeared to be based on facts of case.</i>	
State v. Harper	24
<i>Conspiracy to commit robbery in first degree; attempt to commit robbery in first degree as accessory; whether evidence adduced at trial was sufficient to sustain conviction; claim that conviction of attempt to commit robbery in first degree as accessory required proof that defendant knew or believed that one of cohorts would be armed with deadly weapon during attempted robbery; whether statute (§ 53a-134 [a] [2]) governing robbery in first degree requires proof that defendant intended to possess or intended for accomplice to possess deadly weapon; whether trial court improperly declined to provide jury with unanimity instruction as requested by defendant; claim that jurors must be instructed that unanimity is required on nature or source of reasonable doubt.</i>	
State v. Jackson	419
<i>Sexual assault in first degree; unlawful restraint; collateral estoppel; double jeopardy; claim that trial court improperly admitted into evidence in defendant's second trial portion of witness' statement that jury in defendant's first trial necessarily had rejected when jury found defendant not guilty of unlawful restraint charge; whether admission of evidence violated defendant's fifth amendment guarantee against double jeopardy; whether finding of not guilty on charge of unlawful restraint and finding that witness made credible statement were not mutually exclusive findings or in any way inconsistent; whether jury reasonably could have believed statement but found that statement did not establish or demonstrate that defendant had intent to unlawfully restrain victim; whether defendant demonstrated that jury, in finding defendant not guilty of unlawful restraint in first trial, necessarily rejected witness' statement.</i>	
State v. McKethan	187
<i>Murder; carrying pistol without permit; possession of narcotics; motion for joinder; whether trial court abused discretion in consolidating two informations for trial; whether defendant demonstrated that joinder resulted in substantial prejudice; whether trial court's explicit instructions to jury to consider each charge separately in reaching verdict cured risk of substantial prejudice to defendant.</i>	

State v. Si.	402
<i>Negligent homicide with commercial motor vehicle; claim that trial court improperly instructed jury because it failed to instruct jurors that it would be complete defense to charge of negligent homicide with commercial motor vehicle that decedent's negligence was sole proximate cause of own death; claim that jury charge was materially misleading because jury instructions on proximate causation could have led jury to disregard conduct of decedent entirely and, thus, to ignore possibility that decedent was sole proximate cause of own death; whether trial court erred when it provided jury with copy of jury charge during deliberations.</i>	
Taylor v. Wallace	43
<i>Legal malpractice; ripeness; subject matter jurisdiction; whether plaintiff's claim that defendant attorney provided deficient representation with respect to plaintiff's prior habeas corpus action was ripe for adjudication where plaintiff remained validly incarcerated and conviction has never been invalidated; whether plaintiff had standing to pursue claim that plaintiff was injured as result of defendant's purported fraud on state; claim that trial court abused discretion in denying motion to reargue.</i>	
Teodoro v. Bristol	363
<i>Negligence; action for damages for injuries to student incurred during high school cheerleading practice; whether trial court, in deciding motion for summary judgment, improperly failed to consider excerpts from certified deposition transcripts, where excerpts were submitted with pages from original deposition transcripts that established that original transcripts were accurate transcriptions of testimony under oath; whether excerpts from deposition transcripts were properly authenticated under rule of practice (§ 17-45) that governs admissible evidence as to issues raised in summary judgment motions; whether trial court abused discretion in not considering surreply memoranda of law in contravention of applicable rule of practice ([2016] § 11-10).</i>	
Thompson v. Commissioner of Correction	215
<i>Habeas corpus; whether habeas court properly determined that petitioner failed to prove, by preponderance of evidence, that trial counsel rendered deficient performance by not moving for mistrial or requesting curative instruction after complainant provided prejudicial testimony; whether conclusion that trial counsel's acquiescence waived petitioner's claim that petitioner was deprived of right to fair trial as result of jury's potential exposure to prejudicial testimony equated to determination that counsel rendered ineffective assistance in handling of issue; claim that jury heard prejudicial testimony because it was reflected in trial transcript; whether petitioner failed to present evidence to rebut presumption that trial counsel's performance fell within wide range of reasonable professional assistance.</i>	